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5 Attorneys for Plaintiff

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9  
10 SHARON DE EDWARDS, M.D.

11 Plaintiff,

12 v.

13 INTERNAL REVENUE SERVICE,  
14 UNITED STATES GOVERNMENT  
DEPARTMENT OF THE TREASURY,  
15 KATHY JAKABCIN, Revenue Officer,  
and Does I through 50, Inclusive.

16 Defendants,

Case No.: C 07-3102 MEJ

DECLARATION OF F. ANTHONY  
EDWARDS, ESQ., IN COMPLIANCE  
WITH COURT ORDER

FRCP 41(b)

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18 I, F. Anthony Edwards, Esq., declare as follows:

19 1. I am a partner and practicing attorney in the Firm of SEIBEL, FINTA &  
20 EDWARDS, LLP, licensed to practice law in all jurisdictions in the state of California. I make  
21 this declaration based on my own personal knowledge and if called as a witness to testify as the  
22 facts herein, I would and could do so truthfully and competently.

23 2. Plaintiff first filed her complaint for a refund, entitled de Edwards v. Internal  
24 Revenue Service, et al., Case No. C 06-07116 WHA, on or about November 16, 2006. Pursuant  
25 to stipulation by the parties in open court, to allow the IRS time to provide a report detailing the  
26 receipt and application of the funds received pursuant to levies, the Honorable Judge Alsup,

27  
28 FAE Decl in Compliance w/Court Order

1 issued his order, dated March 15, 2007, dismissing the complaint without prejudice. Plaintiff  
2 was ordered to re-file on or before July 13, 2007. Attached hereto as Exhibit "A" is a true and  
3 correct copy of the said order.

4 3. On or about June 12, 2007, having not received the report from the IRS, Plaintiff  
5 re-filed the above-captioned complaint. Thereafter, the IRS assured Plaintiff that the detailed  
6 report was forthcoming. Hence, Plaintiff restrained from serving defendants, to allow the IRS to  
7 finalize and submit their report.

8 4. As of the date of this declaration, the IRS has not forwarded the report. Counsel  
9 for Plaintiff has asked the IRS to submit a note stating their need for more time. However, the  
10 IRS has not responded. Attached hereto as Exhibit "B" is a true and correct copy of the said  
11 request.

12 I declare under penalty of perjury that the foregoing is true and correct and that this  
13 declaration was executed on September 26, 2007, at Walnut Creek, California.

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15 F. Anthony Edwards, Esq.  
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## EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHARON DE EDWARDS, M.D.,

Plaintiff,

No. C 06-07116 WHA

v.

INTERNAL REVENUE SERVICE, UNITED  
STATES GOVERNMENT DEPARTMENT  
OF THE TREASURY, KATHY JAKABCIN,  
Revenue Officer, and DOES 1 through 50,  
inclusive,

Defendants.

**ORDER DISMISSING CASE**

By stipulation of all parties, this case is **DISMISSED WITHOUT PREJUDICE** to refileing  
(and repaying filing fees) on or before **JULY 13, 2007**. This date will not be extended.

The Clerk shall **CLOSE** the file.

**IT IS SO ORDERED.**

Dated: March 15, 2007.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

EXHIBIT

**A**



## EXHIBIT B

Law Offices

**LAW OFFICES OF F. ANTHONY EDWARDS**

1850 Mt. Diablo Boulevard, Suite 650  
Walnut Creek, California 94596  
Phone (925) 947-1600  
Fax (925) 947-1990

*FACSIMILE TRANSMITTAL MEMORANDUM*

Date September 26, 2007

To Lindan Cochran, IRS Fax 927.4725  
Ph. No. 927.4718

From F. Anthony Edwards, Esq.

DOCUMENTS FAXED: Letter Re: Update

WE ARE TRANSMITTING A TOTAL OF 3 PAGES INCLUDING THIS  
TRANSMITTAL MEMORANDUM.

MAIN NUMBER (925) 947-1600  
FAX NUMBER (925) 947-1990

**CONFIDENTIALITY NOTE**

This and any accompanying pages contain information from F. Anthony Edwards, of the Law Offices of Seibel, Finta & Edwards, which is confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or reading of the contents of this information is prohibited. If you have received this facsimile in error, please notify our office by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

MEMO:

Dear Ms. Cochran,

I need a note from you stating that you need more time to complete the lien payment analysis. I will need the note today, since the Court is ordering me to show cause why I have not served the IRS with the complaint. I have to submit my declaration by tomorrow. Please call me if you have any questions.

Sincerely,

  
F. Anthony Edwards

EXHIBIT **B**

TRANSMISSION VERIFICATION REPORT

TIME : 09/26/2007 10:31  
NAME : SEIBEL FINTA EDWARDS  
FAX : 9259471990  
TEL : 9259471600  
SER.# : 000A5J420064

DATE, TIME	09/26 10:31
FAX NO./NAME	9274725
DURATION	00:00:20
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MODE	STANDARD
	ECM